

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14668, of the Citizens Housing Development Corporation, pursuant to 11 DCMP 3108.1, for a special exception under Section 353 allowing a subdivision and new residential development comprising 8 row dwellings in an R-5-A District at premises 4625 through 4639 Minnesota Avenue, N.E., (Square 5160, Lots 11 through 16).

HEARING DATE: September 16, 1987

DECISION DATE: September 16, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the southeast side of Minnesota Avenue between Nash Street to the north and Meade Street to the south. It is known as premises 4625-4639 Minnesota Avenue, N.E., and is located in an R-5-A District. The site comprises lots 11, 12, 13, 14, 15 and 16 of Square 5160.

2. The site is vacant and consists of 15,000 square feet of land area with 150 feet of frontage along Minnesota Avenue, N.E. The rear of the lots abut a sixteen foot wide, unimproved public alley.

3. The property is bounded: (a) on the south by a single family, two-story detached home; (b) on the west by Minnesota Avenue, N.E. and across the street by a church; (c) on the north by a single-family, two-story, detached home and next to the home a small two-story apartment building; and (d) on the east by a "paper" alley and across the alley by two single-family, two-story, detached homes and a vacant lot.

4. The area surrounding the site is a mixture of one and two story, single-family, detached and semi-detached homes and small, two-story, four to six unit apartment buildings. One-hundred yards north across Minnesota Avenue, N.E. from the site is the Deanwood Metro Station and adjoining parking lots. A C-M-1 District is located to the northwest of the site. An R-2 District is located to the south.

5. The portion of Minnesota Avenue, N.E. on which the site fronts is not continuous with the main portion of Minnesota Avenue, that runs south of Nannie Helen Burroughs Avenue, N.E. This discontinuous portion of Minnesota Avenue runs between Lee Street, N.E. and Eastern Avenue. It is a

two lane road with two additional parking lanes. Except for Deanwood Metro Station traffic, the traffic along this section of Minnesota Avenue, N.E. is strictly local traffic.

6. Pursuant to Sub-section 3108.1 of the Zoning Regulations. The applicant is seeking a special exception under Section 353 to allow a subdivision and new residential development comprising eight row dwellings.

7. Each of the proposed interior lots will measure 18.67 feet in width and 100 feet in depth. The two end lots will measure 19 feet in width and 100 feet in depth.

8. The applicant proposes to construct eight fee simple, two story row houses with full basements on the site. The dwellings will be constructed of brick and block. The interior layout will consist of three bedrooms, two and one-half baths, living room, dining room and table space kitchen.

9. Each dwelling will have one ten-foot by twenty foot off-street parking pad in the rear off of the sixteen foot public alley, which will be improved by the developer with assistance from the Department of Public Works and the Office of Business and Economic Development. Each lot will have a rear yard fifty-five feet in depth.

10. The Board of Zoning Adjustment has twice previously approved the construction of eight row dwellings on the site by its order No. 14220 dated April 9, 1985 and Order No. 12962 dated January 4, 1980. The former applicant failed to obtain the necessary building permits within six months of the final date of each order. That approval, therefore, is no longer valid and Board approval is necessary for development of the site.

11. By memorandum dated September 9, 1987, the Office of Planning (OP) recommended approval of the application as it meets the criteria and objectives of Section 353 for new residential development in the R-5-A District. The OP recommended that the application be conditioned as follows:

- a. The applicant shall dedicate the six feet necessary to increase the alley width to 16 feet.
- b. The applicant shall submit a landscape plan as required by the Zoning Regulations.
- c. The Board shall receive the reports of the Board of Education, Department of Public Works and the Office of Housing and Community Development.

The Board concurs with the recommendation of the OP and finds that the applicant has demonstrated its intention to dedicate six feet to increase the alley width to 16 feet and that the applicant has submitted a landscaping plan to the record. The Board further finds that D.C. Government agency reports were recieved into the record and are discussed below.

12. By memorandum dated September 9, 1987, the Department of Public Works reported that it has no objections to the approval of the application. The Board concurs.

13. By letter dated August 28, 1987, the Superintendant of D.C. Public Schools reported that "no opposition is expressed by the public schools to the described property development". The Board concurs.

14. By memorandum dated August 25, 1987, the Department of Housing and Community Development reported that it does not foresee any problems with the approval of the application and that the proposed units will enhance the character of the area. The Board concurs.

15. By letter dated September 8, 1987, Advisory Neighborhood Commission (ANC) Single Member District 7C02 recommended approval of the application. A report from ANC-7C was not provided.

16. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

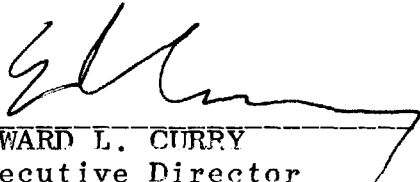
Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing of substantial compliance with the requirements of Sub-section 3108.1 and 353 of the Zoning Regulations. The Board concludes that the applicants have met the burden of proof. The appropriate D.C. Government agencies reported favorably on the application.

The Board further concludes that the requested special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that it will not affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application be GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 9 and modified by Exhibit No. 28A of the record.

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill not voting, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 16 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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